



U. S. Fish and Wildlife Service

Jacksonville Field Office

Frequently Asked Questions Proposal to Amend Barge Canal Federal Manatee Protection Area

Updated: April 11, 2002

Q1: Why is the Service proposing an exception for Barge Canal?

A1: The Fish and Wildlife Service is proposing an exception to the slow speed zones in Barge Canal to meet the needs of responsible boaters while ensuring that no manatees are taken. In response to our recent proposal to establish 16 additional manatee protection areas, we received comments indicating that certain watercraft uses of waters proposed for designation would be eliminated or severely restricted, and that the loss of these uses would result in substantial hardship to the affected parties. In regard to the two sites for which we have recently made final designations, we received a request for an exception to our regulations in the Barge Canal. After reviewing the party's request, we believe it may be possible to exceed speed zone restrictions within the Barge Canal in a manner that would not result in take of manatees. This would be the case if it could be proven that no manatees were present in the vicinity when the subject activity was to occur. However, our first priority is to protect manatees. The conditions outlined in any authorization letter would ensure that no manatees are taken.

Q2: Can anyone apply for an exception or will it only apply to certain parties?

A2: Under these proposed amendments to our regulations, any boater (individual, business or organization) would be able to apply for an exception.

Q3: What is the process for requesting a Letter of Exception?

A3: Under our proposed amendment, persons wishing to engage in otherwise prohibited activities within the Barge Canal would submit a written request to the Director of the Fish and Wildlife Service. The request would contain a description of the proposed activity including the timing and duration of the activity, and specific measures to be undertaken in association with the proposed activity to ensure that take of manatees does not occur. Within 120 days of receiving such a request, we would respond in writing with our determination of whether or not the proposed activity may occur, and if so, under what conditions.

Q4: How will the Service make its decision regarding a Letter of Exception application?

A4: In making its determinations, the Service would rely on information contained in the written request, other information supplied by the requestor, and the best available commercial and scientific information related to the effects of the proposed activity on manatees and means for eliminating any such effects.

Q5: How long will the Letter of Exception be valid?

A5: We are proposing that Letter of Exception be valid for a period of no more than 60 months.

Q6: What types of activities would the Service consider that a boating interest could do to avoid take in Barge Canal?

A6: Examples include, but are not limited to, setting a maximum allowable vessel speed, specifying time and duration of operation, providing manatee watch protocols, and use of specialized equipment.

Q7: How will the Service ensure that manatee take will not occur if this exception is adopted?

A7: The Service would continue to work closely with the State of Florida to enforce speed zones and any criteria outlined in Letters of Exception that may be adopted in the future to ensure that no manatees are taken in Barge Canal.

Q8: What happens if a Grantee violates the conditions of their Letter of Exception?

A8: Grantees must possess their Letter of Exception at all times and comply with any conditions contained in the letter while engaged in activities otherwise prohibited in the designated manatee protection area. Failure to do so would constitute a violation of the prohibition punishable under applicable provisions of the law, and will result in revocation of the Letter of Exception. A Letter of Exception may also be revoked at any time if the Director or his designee finds that the excepted activity may result in a taking of manatees, impede the recovery of the species, or if the Grantee is convicted of a violation of state or federal conservation laws.

Q9: Can people in other Federal manatee protection areas apply for a Letter of Exception?

A9: No. our intent to establish this process initially for a limited area, so that we may assess the efficacy of an exception process in a controlled fashion. We intend to evaluate this process to determine whether it provides effective manatee protection, and whether it can be effectively administered before making it more widely available.

Q10: Will the public be given an opportunity to participate in this process?

A10: Yes. We are soliciting comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

- The reasons why the proposed rule amendment should or should be not adopted;
- Current or planned activities within designated or proposed manatee protection areas and their possible effects on manatees;
- Any foreseeable economic or other impacts resulting from the proposed rule amendment;
- Potential adverse effects to the manatee associated with the proposed rule amendment; and,
- Any actions that could be considered in lieu of, or in conjunction with, the proposed amendment that would provide comparable or improved manatee protection.

Comments must be received by June 17, 2002.

Q11: Will the Service hold public hearings on the proposed amendment?

A11: The Service will hold public hearings, if requested within 45 days of the proposal's publication in the Federal Register. These requests must be received in writing by May 31, 2002.

Q12: What are the next steps in the process?

A12: Following the public comment period, the Service will evaluate all public comments received on the amendment and then issue its final decision.